

### **REMARKS/ARGUMENTS**

Claims 1-33 have been examined and rejected. The present response amends claims 1, 3, 12, 14, 17, 23, 25, and 28 and cancels claims 2, 5, 10, 13, 16, 21, 24, 27, and 32 without prejudice. Accordingly, claims 1, 3-4, 6-9, 11-12, 14-15, 17-20, 22-23, 25-26, 28-31, and 33 remain pending. Reconsideration and allowance of all pending claims are respectfully requested.

### **Rejections under 35 U.S.C. § 112**

Claims 1-5 have been rejected under 35 U.S.C. §112, second paragraph as being indefinite. The rejection contends that claim 1, as filed, is indefinite "since one of ordinary skill in the art would not understand the use of the additional photodetectors since it was stated the exactly one photodetector was needed." To expedite prosecution and broaden claim scope, claim 1 has been amended to omit the reference to "photodetectors other than said exactly one photodetector." Accordingly, this rejection is overcome.

Claims 12-22 have been rejected under 35 U.S.C. §112, second paragraph as being indefinite. The rejection contends that in claims 12 and 17 the recitation "control block" is indefinite since "it is unclear to what is being control." This rejection is respectfully traversed since claims 12 and 17 both recite that the "control block... controls said laser output frequency." The "laser output frequency" is first introduced in the preamble of these claims. Accordingly, the rejection is without basis and its withdrawal is respectfully requested.

Claims 1-33 have been rejected under 35 U.S.C. §112, second paragraph as being incomplete for omitting essential structural cooperative relationships of elements. This rejection is also respectfully traversed. Each of the independent claims includes the necessary relationships. The rejection should therefore be withdrawn. If this rejection is to be repeated, it is respectfully requested that the particular elements which omit structural cooperative relationships be identified. The current rejection's statement that "there is no structural or means recited in the claim, for performing the apparatus, example laser, frequency selected,

photodetector, control block,” is not understood since all of these listed limitations in fact do appear in one or more of the claims.

### **Rejections under 35 U.S.C. §102**

Claims 1, 4, 5, 12, 15, 16, 23, and 26-27 have been rejected under 35 U.S.C. §102 (e) as being anticipated by U.S. Patent No. 6,337,939, issued to Aspell, et al. (hereinafter “Aspell”). The Aspell patent discloses systems and methods for controlling laser power whereas independent claims 1, 12, and 23, are directed towards control of laser frequency based on measured response of an optical component to optical energy of the laser. The Aspell patent fails to disclose or suggest control of laser output frequency and is thus inapplicable to the independent claims as filed.

To better distinguish over U.S. Patent No. 6,353,623 issued to Munks, et al. (hereinafter “Munks”), claims 1, 12, and 23 have been variously amended. Each of the independent claims now also recites that when a “laser output frequency is outside a tracking range,” a control signal is swept until the “laser output frequency is within said tracking range.” This feature previously recited in dependent claims 5, 16, and 27 is neither disclosed nor suggested by either the Aspell patent or the Munks patent. The Aspell patent text cited in the rejection of these dependent claims does not in fact disclose or suggest this feature. No “tracking range” is mentioned. Also, no sweeping of a control signal is mentioned. Accordingly, independent claims 1, 12, and 23 are allowable over the art of record. Claims 4, 15, and 26 are allowable for at least the reason of their dependence from the allowable independent claims. Claims 5, 16, and 27 have been cancelled without prejudice and their limitations incorporated into their parent claims.

### **Rejections under 35 U.S.C. §103**

Claims 2, 3, 6-10, 13, 14, 17-21, 24, 25, and 28-32 have been rejected under 35 U.S.C. §103 (a) as being unpatentable over Aspell in view of Munks. The independent claims 6, 17, and 28, as amended, recite the control signal sweeping feature. Since, as discussed above, this feature is neither disclosed nor suggested by either Aspell or Munks, the independent claims

are allowable over the art of record. The rejected dependent claims are allowable for at least the reason of their dependence from their allowable parent claims.

**Conclusion**

For the foregoing reasons, Applicant believes all the pending claims are in condition for allowance and should be passed to issue. If the Examiner feels that a telephone conference would in any way expedite the prosecution of the application, please do not hesitate to call the undersigned at (408) 446-8694.

Respectfully submitted,



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